



Department of Pesticide Regulation



Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

January 26, 2006

TO: PEST CONTROL DEALER LICENSEES

SUBJECT: CLOPYRALID PESTICIDE PRODUCTS: NEW REGULATIONS AFFECTING SALE AND USE

PURPOSE

This letter describes two new regulations affecting the California sale and use of registered pesticides containing the active ingredient clopyralid. The Department of Pesticide Regulation (DPR) will soon implement Title 3, California Code of Regulations (3 CCR) sections 6576 and 6950 effective on January 27, 2006. These new regulations will affect licensed pest control dealers and the qualified applicator certificate holders (QAC) and the qualified applicator license holders (QAL) that are the only persons authorized to buy and use clopyralid-containing pesticides.

BACKGROUND

Early in 2002, clopyralid residues were detected in compost in California. Those residues posed a threat to the economic viability of California's composting industry because of the potential for injury to plants to which the compost was applied. DPR reviewed data related to residential lawns treated with clopyralid pesticides as one major source of grass clippings with residues that were incorporated into the commercial compost. Later in 2002, DPR:

- Cancelled registrations of clopyralid-containing pesticides used on residential lawns because residential lawns were the most likely and least controllable source of clopyralid-tainted grass clippings reaching composting facilities.
- Implemented Food and Agricultural Code (FAC) sections 13190 and 13191. Section 13190 contains certain definitions related to the use of clopyralid-containing pesticides. Section 13191 prescribes who may sell and buy clopyralid-containing pesticides registered for certain lawn and turf uses.



CURRENT REQUIREMENTS IN LAW:

FAC section 13190

Section 13190 defines “lawn and turf use” in relation to the restrictions for clopyralid-containing pesticides.

- “Lawn and turf use” means a residential or non-residential use of an herbicide on lawn and turf, including, but not limited to lawn and turf located at:
 - Schools
 - Parks
 - Office buildings
 - Golf courses.
- “Lawn and turf use” does not include use of an herbicide on lawn and turf located in:
 - Turf farms
 - Uncultivated open space
 - Agricultural rangeland
 - Cultivated farmland.

FAC section 13191

Section 13191 restricts who may sell and who may buy clopyralid-containing pesticides.

- Allows only licensed pest control dealers to sell clopyralid-containing pesticides
- Allows only persons holding a valid QAC or a QAL to buy clopyralid-containing pesticides labeled for lawn and turf uses.

The QAC or QAL must be valid in one or more of the appropriate pest control categories or sub-categories:

- (A) Residential, Industrial, and Institutional
- (B) Landscape Maintenance
- (Q) Maintenance Gardener.

NEW REQUIREMENTS EFFECTIVE JANUARY 27, 2006:

3 CCR section 6950

Section 6950 will:

- Prohibit QAC and QAL holders from using clopyralid-containing pesticides labeled for lawn and turf uses on residential lawns.
- Allow QAC and QAL holders to use clopyralid-containing pesticides labeled for lawn and turf uses on lawn and turf located at:
 - Schools
 - Parks
 - Office buildings
 - Golf courses.

- Require the QAC and QAL holder who buys any clopyralid-containing pesticide to assure that where use is allowed, all grass clippings from lawns or turf treated with clopyralid-containing pesticides will remain on the property containing the treated site. The QAC or QAL holder will acknowledge this requirement by signing the statement referred to in 3 CCR section 6576.

3 CCR section 6576

Section 6576 will require:

- The QAC or QAL holder who buys any clopyralid-containing pesticide to sign a written statement at the time of sale.
- The pest control dealer to retain the signed statement for two years. Title 3 CCR section 6576 includes a sample of the wording and format for the written statement. Pest control dealers may develop their own form or they can use the attached sample form.

By signing the statement, the QAC or QAL holder acknowledges the requirement to assure that all grass clippings from lawns or turf treated with clopyralid-containing pesticides will remain on the property containing the treated site.

ENCLOSURES

- The text of FAC sections 13190 and 13191; 3 CCR sections 6576 and 6950.
- A sample of the statement referred to in 3 CCR section 6576.
- A list of the clopyralid-containing pesticides that are affected by the aforementioned laws and regulations.

Please direct any questions you may have about this letter to Mr. Adolfo R. Gallo, of my staff. He may be contacted by phone at (916) 445-3895 or via e-mail at <agallo@cdpr.ca.gov>. If you have any questions about the enforcement of these regulations or need compliance assistance, please contact your local county agricultural commissioner.

Sincerely,

David Duncan, Chief
Pest Management and Licensing Branch
(916) 445-3914

Enclosures

cc: See next page.

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cc: Mr. Adolfo Gallo, DPR Program Specialist (w/Enclosures)
Dr. Tobi L. Jones, DPR Assistant Director (w/Enclosures)
Mr. Scott T. Paulsen, DPR Chief (w/Enclosures)
Mr. Roy Rutz, DPR Agriculture Program Supervisor III (w/Enclosures)
Mr. Jim Shattuck, DPR Agricultural Commissioner Liaison (w/Enclosures)
Mr. Mac Takeda, DPR Agriculture Program Supervisor II (w/Enclosures)
Dr. Nita Davidson, DPR Associate Environmental Research Scientist (w/Enclosures)
Mr. David Haskell, DPR Associate Environmental Research Scientist (w/Enclosures)
County Agricultural Commissioners (w/Enclosures)

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FOOD AND AGRICULTURAL CODE SECTIONS 13190-13191

13190. (a) "Clopyralid" means 3,6-dichloro-2-pyridinecarboxylic acid.

(b) "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or that are separated at a centralized facility.

(c) "Department" means the Department of Pesticide Regulation.

(d) "Herbicide" means a pesticide, as defined in Section 12753, that is intended to kill weeds.

(e) "Lawn and turf use" means a residential or nonresidential use of an herbicide on lawn and turf, including, but not limited to, lawn and turf located at schools, parks, office buildings and golf courses. Lawn and turf use does not include use of an herbicide on lawn and turf located in turf farms, uncultivated open space, agricultural rangeland or cultivated farmland.

(f) "Persistent residues in compost" means residues of an herbicide in compost at levels and in a form with the potential to be toxic or injurious to plants.

(g) "Plants" means desirable vegetation, except weeds.

(h) "Weed" means any plant that grows where not wanted, as defined in Section 12759.

13191. (a) No person, except a pest control dealer licensed pursuant to Chapter 7 (commencing with Section 12101) of Division 6 of the Food and Agricultural Code, may sell a pesticide that contains the active ingredient clopyralid.

(b) Pesticides containing the active ingredient clopyralid that are labeled for use on lawns and turf, including golf courses, may only be sold to qualified applicators licensed pursuant to Chapter 8 (commencing with Section 12201) of Division 6 of the Food and Agricultural Code or issued a certificate pursuant to Chapter 3 (commencing with Section 14151) of Division 7 of the Food and Agricultural Code.

**TITLE 3. CALIFORNIA CODE OF REGULATIONS
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 1. LICENSING
ARTICLE 6. PEST CONTROL DEALER LICENSES**

6576. Sales Limitation of Clopyralid

Prior to sale of a pesticide containing the active ingredient clopyralid for which use restrictions have been established in section 6950, the licensed pest control dealer shall obtain and retain for two years a signed statement from a licensed or certified qualified applicator in substantially the following form:

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I, ____ (print name of purchaser)_____, certify that my employees or I will not apply any product containing clopyralid to a residential lawn, and will only apply clopyralid to sites where I can assure the collected grass clippings will remain on the property.

Name of Product: _____ EPA Reg. No.: _____

Under penalty of perjury, the foregoing statement is true and my employees or I will not apply any pesticide containing the active ingredient clopyralid for lawn and turf uses as defined in Food and Agricultural Code section 13190(e) except in accordance with the listed applicator responsibility requirements.

Signature of Qualified Applicator License or Certificate No. Category Expiration Date

Date of Purchase

**CHAPTER 4. ENVIRONMENTAL PROTECTION
SUBCHAPTER 4. COMPOST
ARTICLE 1. PESTICIDE CONTAMINATION PREVENTION**

6950. Clopyralid.

The provisions of this section apply to pesticide products that contain the active ingredient clopyralid and are intended for lawn and turf use as defined in Food and Agricultural Code section 13190(e).

(a) No application shall be made to lawn and turf unless the licensed or certified qualified applicator assures that the grass clippings from the treated area remain on the property. In no instances shall clopyralid-containing products be applied to residential lawns.

CLOPYRALID BUYER STATEMENT

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I, _____, certify that my employees or I will not apply any product containing clopyralid to a residential lawn, and will only apply clopyralid to sites where I can assure the collected grass clippings will remain on the property.

Name of Product: _____

EPA Reg. No.: _____

Under penalty of perjury, the foregoing statement is true and my employees or I will not apply any pesticide containing the active ingredient clopyralid for lawn and turf uses as defined in Food and Agricultural Code section 13190(e) except in accordance with the listed applicator responsibility requirements.

Signature of Qualified Applicator License or Certificate

Qualified Applicator License or Certificate Number

Pest Control Category(ies)

Expiration Date

Date of Purchase

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Clopyralid pesticide products that were registered in 2005 may be currently registered. As of the date of PML Letter YYY, DPR has not completed the 2006 registration process. Products listed as inactive were last registered in 2004. You may determine the registration status of any pesticide product by reviewing information in this DPR web site:

<http://www.cdpr.ca.gov/docs/label/labelque.htm>

A Licensed Pest Control Dealer may legally sell an unregistered product for up to two calendar years after the registration expiration date.

Product Name	Registrant	U.S. EPA Registration No.	Registration Status
Lontrel Turf & Ornamental	Dow AgroSciences	62719-305-AA	Active-2005
Confront	Dow AgroSciences	62719-92-AA	Active-2005
Lawn Fertilizer Plus Confront Weed Control	Dow AgroSciences	62719-263-AA	Active-2005
Turf Fertilizer Contains Confront	Dow AgroSciences	62719-262-AA	Active-2005
Andersons Golf Products Turf Fertilizer 18-5-9 with Millennium Ultra Herbicide	The Anderson's Lawn Fertilizer	228-343-ZC-9198	Active-2005
The Anderson's Professional Turf Products 16-4-8 with Millennium Ultra Herbicide & PCSCU	The Anderson's Lawn Fertilizer	228-343-ZB-9198	Active-2005
United Horticultural Supply Professional Turf Products 22-3-4 with Millennium Ultra	The Anderson's Lawn Fertilizer	228-343-ZA-9198	Active-2005
Howard Johnson's Weed & Feed with Millennium Ultra	Howard Johnson's Enterprises, Inc.	228-343-32802	Inactive-2004
Weed-Hoe Plus	Lawn & Garden Products, Inc.	228-382-AA-54705	Inactive-2004

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Product Name	Registrant	U.S. EPA Registration No.	Registration Status
Riverdale Eclipse Selective Herbicide	Riverdale Chemical Co.	228-372-AA	Inactive-2004
Riverdale Millennium Ultra Plus Selective Herbicide	Riverdale Chemical Co.	228-382-AA	Active-2005
Riverdale Millennium Ultra Selective Herbicide	Riverdale Chemical Co.	228-322-AA	Active-2005
Riverdale Millennium Ultra Weed & Feed	Riverdale Chemical Co.	228-343-AA	Active-2005
Riverdale Trupower Selective Herbicide	Riverdale Chemical Co.	228-323-AA	Active-2005
Riverdale XRM-5202 TM Premium Weed & Feed	Riverdale Chemical Co.	228-340-AA	Active-2005
United Horticultural Supply Professional Turf Products Chase Ultra	United Horticultural Supply	228-372-AA-65783	Active-2005
Lebanon Proscape Homogenous Fertilizer with Confront Herbicide Broadleaf Weed Control	Lebanon Chemical Corporation	62719-262-AA-961	Active-2005
Lesco Momentum Premium Weed & Feed	Lesco, Inc.	228-340-AA-10404	Active-2005